

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DONALD A. TOLBERT,**

**Petitioner,**

**v.**

**No. CV 16-0075 JCH/LAM**

**MICHAEL DODDS, et al.,**

**Defendants.**

**ORDER TO CURE DEFICIENCY**

Petitioner submitted an application for a writ of habeas corpus [*Doc. 1*] on February 2, 2016. The Court has determined that Plaintiff's filing is deficient as described in this order. Plaintiff is directed to cure the following if he wishes to pursue his claims:

**I. Filing Fee:**

  X   filing fee has not been received (\$5.00 habeas corpus)

**II. Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1)   X   is not filed
- (2)        is missing affidavit
- (3)        is missing certified copy of prisoner's inmate account statement for the 6-month period immediately preceding this filing
- (4)        is missing required financial information
- (5)        is missing an original signature by the prisoner
- (6)        is not on proper form (must use current form)
- (7)        names in caption do not match names in caption of complaint, petition or habeas application
- (8)        other \_\_\_\_\_

**III. Complaint, Petition or Application:**

- (1)        is missing
- (2)   X   is not on proper form
- (3)        is missing an original signature by the prisoner
- (4)        is missing page nos. \_\_\_\_\_
- (5)        other \_\_\_\_\_

Papers filed in response to this order must include the civil action number (CV 16-0075 JCH/LAM) of this case. Failure to cure the designated deficiencies **within thirty (30) days from entry of this order** may result in **dismissal** of this action without further notice.

**IT IS THEREFORE ORDERED** that Petitioner cure the deficiencies designated above **within thirty (30) days from entry of this order;**

**IT IS FURTHER ORDERED** that the Clerk is directed to mail to Petitioner, together with a copy of this order, the following forms: \*\*2 copies each of an Application to Proceed in District Court Without Prepaying Fees or Costs and Financial Certificate.

**IT IS FURTHER ORDERED** that, if Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, this action may be dismissed without prejudice without further notice.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**